

1 CONTE C. CICALA, State Bar No. 173554
conte.cicala@clydeco.us

2 CLYDE & CO US LLP
101 Second Street, 24th Floor
3 San Francisco, California 94105
Telephone: (415) 365-9800
4 Facsimile: (415) 365-9801

5 Attorneys for Plaintiff
MITSUI O.S.K. LINES, LTD.

6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 MITSUI O.S.K. LINES, LTD.,

12 Plaintiff,

13 v.

14 SHINE INTERNATIONAL
TRANSPORTATION (SHENZHEN)
15 LIMITED and DOES ONE THROUGH
TWENTY,

16 Defendants.
17

Case No. 4:15-cv-03343-KAW

**STIPULATION TO SET ASIDE
DEFAULT AND TO ACCEPT SERVICE
OF AMENDED COMPLAINT;
~~[PROPOSED]~~ ORDER**

18
19
20 WHEREAS Defendant Shine International Transportation (Shenzhen) Limited ("Shine")
21 has contacted plaintiff through counsel and advised that its default was entered due to
22 miscommunication between Shine and its agent for service of process;

23 WHEREAS Shine advises that it intends to request that default be set aside based on a
24 contention of mistake or excusable neglect;

25 WHEREAS plaintiff MITSUI O.S.K. LINES, LTD. ("MOL"), does not want to expend
26 effort or waste judicial resources on a contested proceeding to set aside a default judgment;

27 WHEREAS MOL further intends, forthwith, to file an Amended Complaint adding two
28 additional parties as defendants; and,

1 WHEREAS, as a condition of setting aside the default, Shine expressly agrees that service
2 upon it was proper and that it will accept service of MOL's Amended Complaint by email;

3 The parties hereby do stipulated and agree as follows:

- 4 1) That the default of Shine International Transportation (Shenzhen) Limited be set aside;
5 2) That MOL's forthcoming Amended Complaint will be deemed served upon Shine upon
6 email transmission to Shine's counsel, undersigned below;

7 The parties respectfully request that the Court enter an order consistent with the foregoing.

8 Respectfully submitted,

9 Dated: November 25, 2015

CLYDE & CO US LLP

11 By: /s/ Conte C. Cicala

12 Conte C. Cicala
13 Attorneys for Plaintiff
14 MITSUI O.S.K. LINES, LTD.

15 Dated: November 25, 2015

GONZALEZ DEL VALLE LAW

17 By: /s/ Henry P. Gonzalez

18 Henry P. Gonzalez
19 Attorney-in-Fact
20 Shine International Transportation (Shenzhen)
21 Limited

CLYDE & CO US LLP
101 Second Street, 24th Floor
San Francisco, California 94105
Telephone: (415) 365-9800

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, and good cause having been shown thereby, this Court hereby
ORDERS as follows:

- 1) That the default of Shine International Transportation (Shenzhen) Limited is hereby set
aside;
- 2) That MOL's forthcoming Amended Complaint will be deemed served upon Shine upon
email transmission to Shine's counsel.

IT IS SO ORDERED.

Dated: 11/30/15


UNITED STATES MAGISTRATE JUDGE

CLYDE & CO US LLP
101 Second Street, 24th Floor
San Francisco, California 94105
Telephone: (415) 365-9800